

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
Full Board Meeting
Department of Labor & Industry
301 S. Park Avenue, Helena, MT
Basement Conference Room & by Conference Call
June 1, 2010
10:00am-conclusion
MINUTES

CALL TO ORDER

Members present in Helena, John Santa

Members Present by phone: Tim Callahan, Penny James, Mary Alexine

Absent

Darcie Kelly

Staff Present: Cyndi Breen, Colleen White, Bill Wood, Amber Carpenter

Others Present by phone: Mickey Manning, Barbi Flanders, Gordon Newell, Paul Clark, Mike Chisholm, Jill Fairbank

Others Present in Helena: Sean Thorne

AGENDA ITEM #1

Review of Agenda & approval.

Motion: Ms. James moved to approve the agenda as written.

Second: Ms. Alexine

Discussion: None

Vote: Unanimous

Motion carried

AGENDA ITEM #2

Review and approval of minutes, March 18, 2010

Motion: Mr. Santa moved to approve the minutes of March 18, 2010.

Second: Mr. Callahan

Discussion: None

Vote: Unanimous

Motion carried

AGENDA ITEM #3

Legislative wish list update. Ms. Breen reported that none of the requests submitted by the Board would be carried by the department. No action taken.

AGENDA ITEM # 4

Unlicensed practice – Buona Vita

Motion: Dr. Santa moved to dismiss the case without prejudice according to ARM.24.181.803
DEFINITIONS-RESIDENTIAL PROGRAMS (1) The following definitions apply only to residential programs, (a) "Residential program" means a 24-hour group living environment for four or more program participants unrelated to the owner or provider. Buona Vita reported less than 4 students as their average daily census.

Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

AGENDA ITEM #5
Ms. Breen provided a budget report to the Board as follows:
Beginning Cash FY 10 (\$19,593.98)
Revenue Received to date \$ 82,890.00
Expenses to date (\$63,030.96)
Ending Cash Balance \$ 265.06

Appropriation Budget \$48,096.00
Actuals Spent (\$63,030.96)
Appropriation Balance (\$14,934.96)

Motion: Mr. Callahan moved to approve the budget report as presented.
Second: Ms. James
Discussion: None
Vote: Unanimous
Motion carried

AGENDA ITEM # 6
New Rule Proposals:

- New fee structure. Tabled for the next meeting.
- Time limited fingerprint and background check reports. Tabled until the next meeting.
Concern with the fingerprint and background check process:
 - the process with Department of Justice is unclear and not uniform,
 - the employer listed on the fingerprint card needs to be the schools, and
 - Programs had staff trained to take fingerprints and they were not able to make use of that training.

Motion: Dr. Santa moved that he and Ms. White shall work together in drafting a letter to whomever to do whatever it will take to change the process to accommodate the programs.
Second: Ms. Alexine
Discussion: Ms. White asked that all programs send their issues with the fingerprint and background check process to her by e-mail to be included in the correspondence.
Vote: Unanimous
Motion carried

-Site visit exemptions.
Motion: Mr. Santa moved that site visit exemptions shall be included in the next rule revision. The new language shall state that following the initial required site visit, schools that are NIPSA or Joint Commission accredited shall be exempt from future site visit.
Second: Ms. Alexine
Discussion: Ms. White cited 37.48.115, MCA as authority.
Vote: Unanimous
Motion carried

- ARM 24 181 803 DEFINITIONS-RESIDENTIAL PROGRAMS-minimum average daily census.

Motion: Dr. Santa moved that the definition of residential programs be changed in the next rule revision. The Board requested that Ms. White draft language for appropriate placement in the rules stating that any facility that receives payment for the care of students be required to be licensed with the Board.

Second: Ms. Alexine

Discussion: None

Vote: Unanimous

Motion carried

AGENDA ITEM # 7 12:08

Application Reviews - Licensure of Facilities

Investigators Amber Carpenter and Bill Wood joined the meeting to answer any questions regarding the site visits conducted.

The Board members reviewed documents for each school including a summary report from staff, the application check sheet, and the site visit inspection.

Motion: Dr. Santa moved that the Board shall review all applications with the understanding that most programs will receive a 3-month probationary license and correspondence from the Board and Department that identifies deficiencies in the application. The programs shall take corrective action and submit the required documentation. Upon receipt, the Board delegates authority to staff to grant full licensure.

Second: Mr. Callahan

Discussion: None

Vote: Unanimous

Motion carried

1. BUILDING BRIDGES INC

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: confirmation that staff has received passive restraint training, ARM 24.181.609(3)(f), an evacuation plan, ARM 24.181.613(1)(a); and a fire/building code inspections, ARM 24.181.608(1).

Second: Mr. Callahan

Discussion: None

Vote: Unanimous

Motion carried

2. CHRYSALIS

Ms. Alexine recused herself from this discussion and vote as she is the school owner.

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: confirmation that staff has received passive restraint training, ARM 24.181.609(3)9f) and receipt of fingerprints and background checks on all employees.

Second: Mr. Callahan

Discussion: None

Vote: Unanimous

Motion carried

3. CLEARVIEW HORIZON INC

Motion: Dr. Santa moved to approve the program for a 3-month probationary license

contingent on receipt of the following: all updated application check sheet materials, 24.181.501, (to date none of the facility updates have been received), and receipt of fingerprints and background checks on all direct care employees, 37-48-108.

Second: Mr. Callahan

Discussion: None

Vote: Unanimous

Motion carried

4. CRAMER CREEK – Closed

No action taken.

5. ELK MOUNTAIN ACADEMY

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: receipt of finger print and background checks on all direct care employees, 37-48-108,MCA.

Second: Mr. Callahan

Discussion: None

Vote: Unanimous

Motion carried

6. EXPLORATIONS, PHOENIX MOUNTAIN COLLABORATIVE

Ms. James, program owner, recused herself from this discussion and vote.

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: fire and building code inspections, ARM 24.181.608(1), confirmation that staff has received passive restraint training, ARM 24.181.609(3)(f), and a student handbook that includes a statement of student rights ARM 24.181.603(2),605(2).

Second: Mr. Callahan

Discussion: None

Vote: Unanimous

Motion carried

7. GALENA RIDGE

Motion: Dr. Santa moved to approve the program for full licensure as all materials have been received.

Second: Ms. Alexine

Discussion: None

Vote: Unanimous

Motion carried

8. MONARCH SCHOOL

Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: a fire inspection, ARM 24.181.608(1), and confirmation that staff has received passive restraint training, ARM 24.181.609(3)(f).

Second: Ms. Alexine

Discussion: None

Vote: Unanimous

Motion carried

9. MONTANA ACADEMY, INC

Motion: Dr. Santa moved to delegate Board Chair to Board Vice Chair, Mary Alexine, as Dr. Santa is the school owner.

Second: Ms. Alexine
Discussion: None
Vote: Unanimous
Motion carried

Ms. Alexine assumed the Board Chair position.

Motion: Ms. Alexine moved to approve Montana Academy for full licensure.
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

Staff note: Ms. Breen reported that all fingerprint and background check reports had not yet received at the Board office.

Motion: Ms. Alexine moved for Dr. Santa to assume the Board Chair position.
Second: Dr. Santa
Discussion: None
Vote: Unanimous
Motion carried

10. MOUNTAIN MEADOW YOUTH RANCH, formerly 20 Peak's

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: fingerprint and background checks, 37-48-108, MCA a fire inspection ARM 24.181.608(1); confirmation that staff has received passive restraint training ARM 24.181.609(3)(f), and personnel files for each employee, ARM 24.181.609(2)(a).
Second: Ms. Alexine
Discussion: None
Vote: Unanimous
Motion carried

11. NEW HORIZONS

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: finger print and background checks, 37-48-108 MCA, a fire inspection and building permit ARM 24.181.608(1), confirmation that staff has received passive restraint training, ARM 24.181.609(3)(f), operational smoke detectors in the basement and emergency exit plans posted, ARM 24.181.625, and staff files including staff credentials, ARM 24.181.609(2)(a).
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

12. RANCH FOR KIDS PROJECT

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: finger print and background checks, 37-48-108 MCA, fire inspections at Deep Spring Ranch and Pinkham location, building permits and building inspections as new construction has occurred and transfer from residential to commercial building changes have been made, ARM 24.181.608(1), distribution of a student handbook that includes a statement of student rights ARM 24.181.603(2),605(2), emergency exit plans posted at Deep Springs and the houses at Pinkham ARM 24.181.625, vehicle inspections and

maintenance as a commercial on a 16 passenger van and a 26 passenger bus, verification that vehicle drivers hold a commercial driver's license (CDL) as required ARM 24.181.608.
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

13. RIVERVIEW ACADEMY

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: a fire inspection and building inspection ARM 24.181.608(1), confirmation that staff has received passive restraint training, and a posted evacuation plan, ARM 24.181.613(1)(a).
Second: Mr. Callahan
Discussion: Upon Legal Counsel review of the inspection report, it was confirmed that Ms. Manning had been trained in CPI.
Vote: Unanimous
Motion carried
Staff note:

14. STAR PEAK CROSSING, INC

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: a fire inspection and building inspection ARM 24.181.608(1), finger print and background checks, 37-48-108, and the posting of emergency exit plans ARM 24.181.613.
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

15. SUMMIT PREPARATORY SCHOOL

Motion: Dr. Santa moved to approve Summit Preparatory School for full licensure.
Second: Mr. Callahan
Discussion: Ms. Breen reported that all fingerprint and background check reports had not yet received at the Board office.
Vote: Unanimous
Motion carried
Staff note:

16. TURNING D RANCH, LLC

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following:
-fingerprint and background checks, 37-48-108 MCA;
-building permits and building inspections ARM24.181.608(1);
-a statement clarifying the facilities understanding and enforcement of proper practice. Program staff indicated that behaviors i.e. verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation, is not tolerated generally but some staff does occasionally slip up. "The program is a little inconsistent regarding this."
24.181.616(2)(a)(ii). Turning D shall provide
- clarification regarding services provided by a staff person who is a licensed addiction counselor. The application implies that mental health services may be provided by an LAC. Mental health service, accept for addictive disorders, are outside of the scope of an LAC

professional.
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

17. TURNING WINDS ACADEMIC INSTITUTE

Motion: Dr. Santa moved to approve the program for a 3-month probationary license contingent on receipt of the following: fingerprint and background checks, 37-48-108, a fire inspection, building permits and building inspections ARM 24.181.608(1), and posted evacuation plans ARM 24.181.625.
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

Motion: Dr. Santa moved that all programs provide and staff confirm verification of passive restraint training according to ARM 24.181.609(2)(b) and ARM 24.181.609(3)(f).
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

AGENDA ITEM # 8

Next meeting

Motion: Dr. Santa moved that the next full board and screening panel meeting shall be scheduled for September 9, 2010 by conference call. Screening panel shall begin at 9:00am with full board to follow.
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried

ADJOURNMENT

Motion: Dr. Santa moved to adjourn the meeting at 1:20pm.
Second: Mr. Callahan
Discussion: None
Vote: Unanimous
Motion carried